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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R.

To amend title 5, United States Code, to remove limitations on Federal employment for an individual legally using marijuana under the law of the State in which the individual resides, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CRIST (for himself and Mr. FERGUSON) introduced the following bill;
which was referred to the Committee on _____

A BILL

To amend title 5, United States Code, to remove limitations on Federal employment for an individual legally using marijuana under the law of the State in which the individual resides, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness in Federal
5 Drug Testing Under State Laws Act”.

1 **SEC. 2. FEDERAL EMPLOYMENT AND INDIVIDUALS USING**
2 **MARIJUANA IN COMPLIANCE WITH STATE**
3 **LAW.**

4 (a) IN GENERAL.—Subchapter I of chapter 33 of title
5 5, United States Code, is amended by adding at the end
6 the following:

7 **“§ 3330f. Federal employment and individuals using**
8 **marijuana in compliance with State law**

9 “(a)(1) An individual whose residence is in a State
10 where that individual’s private use of marijuana is not
11 prohibited, who is tested under a drug testing program
12 of any Executive agency without probable cause to believe
13 that the individual is under the influence of marijuana,
14 who tests positive for past marijuana use (determined by
15 the presence of tetrahydrocannabinol or marijuana me-
16 tabolite in the sample provided by the individual), and,
17 in the case of an individual whose use of marijuana was
18 for medical purposes, who is able to provide documenta-
19 tion (in such form and manner as the Office of Personnel
20 Management may prescribe) attesting to the lawful nature
21 of such use under the law of the State, may not, based
22 solely on such positive test, be—

23 “(A) denied employment at an Executive agen-
24 cy; or

1 “(B) if the individual is an employee of the Ex-
2 ecutive agency, subject to any other adverse per-
3 sonnel action.

4 “(2) For purposes of this section—

5 “(A) the term ‘Executive agency’ has the mean-
6 ing given that term in section 105, and includes the
7 United States Postal Service and the Postal Regu-
8 latory Commission;

9 “(B) the term ‘marijuana’ means marihuana
10 (as such term is defined in section 102(16) of the
11 Controlled Substances Act (21 U.S.C. 802(16));

12 “(C) the term ‘individual’ does not include any
13 individual applying for or occupying a position at an
14 Executive agency which requires a top secret clear-
15 ance or access to a highly sensitive program (as that
16 term is defined in section 3001(a)(4) of the Intel-
17 ligence Reform and Terrorism Prevention Act of
18 2004 (50 U.S.C. 3341(a)(4)); and

19 “(D) the term ‘State’ means any State, the
20 District of Columbia, the Commonwealth of Puerto
21 Rico, the Commonwealth of the Northern Mariana
22 Islands, the Trust Territory of the Pacific Islands,
23 the Virgin Islands, Guam, American Samoa, or any
24 other territory or possession of the United States.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for such subchapter is amended by inserting after the item
3 relating to section 3330e the following:

“3330f. Federal employment and individuals using marijuana in compliance with
State law.”.